

Message Text

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C O N F I D E N T I A L SANTIAGO 6632

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SUBJECT: POSSIBLE TRIAL OF LEADING LAWYER

1. SUMMARY. THERE HAS JUST SURFACED CASE THAT HAS POTENTIAL FOR CAUSING SERIOUS TROUBLE FOR GOC. WELL-KNOWN LAWYER, WITH STRONG ANTI-MARXIST AND DEMOCRATIC CREDENTIALS, IS UNDERGOING PRE-TRIAL INVESTIGATION FOR HIS FORTHRIGHT CRITICISMS WITHIN BAR ASSOCIATION OF GOC HUMAN RIGHTS PRACTICES. ASSOCIATION ITSELF IS SPLIT IN JUDGMENT BUT COULD BECOME DEEPLY INVOLVED SHOULD LAWYER BE IMPRISONED OR EXPELLED. END SUMMARY.

2. "EL MERCURIO" OCT 30 PRINTED SHORT NOTE TO EFFECT THAT PRESIDENT OF GENERAL COUNCIL OF BAR ASSOCIATION ALEJANDRO SILVA BASCUNAN RESIGNED AFTER HAVING BEEN CENSURED BY VOTE OF TEN COUNCILORS AGAINST SIX. CENSURE MOTION WAS MADE FOLLOWING DIFFERENCE OF VIEWS OVER HANDLING MILITARY TRIBUNAL'S REQUEST FOR EVIDENCE. OTHER PAPERS HAVE NOT PICKED UP STORY.

3. WELL-INFORMED LAWYER TELLS US THAT ARGUMENT AROSE OVER CASE OF EUGENIO VELASCO, FORMER DEAN OF UNIVERSITY OF CHILE LAW SCHOOL AND UNSUCCESSFUL SENATORIAL CANDIDATE IN MARCH 1973 OF ANTI-ALLENDE PARTIDO DE LA IZQUIERDA RADICAL (PIR).

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VELASCO'S IMPECCABLE ANTI-MARXIST AND DEMOCRATIC CREDENTIALS

WERE WON IN HARD STRUGGLES AS DEAN DURING ALLENDE YEARS. SOON AFTER COUP HE BECAME CRITICAL OF JUNTA'S HUMAN RIGHTS PRACTICES. OBVIOUSLY A TENACIOUS MAN, AT BAR ASSOCIATION CONVENTION IN MAY, TOGETHER WITH CHRISTIAN DEMOCRATIC (PDC) IDEOLOGUE JAIME CASTILLO, HE PRESENTED MOTION IN THAT SENSE, WHICH WAS REJECTED. IN AUGUST HE WROTE LONG LETTER TO SILVA, A FAIRLY CONSERVATIVE PDC MEMBER, CONGRATULATING HIM ON PERSONAL ACTIONS SILVA HAD TAKEN IN TWO HUMAN RIGHTS CASES AND CRITICIZING ASSOCIATION FORCEFULLY FOR NOT HAVING TAKEN A STAND ON GOVT'S PRACTICES. HE PROPOSED THAT COUNCIL CALL A CONVENTION TO DEBATE PROBLEM, MAKE ITS POSITION KNOWN PUBLICLY, AND MAKE SPECIFIC RECOMMENDATIONS TO GOVT. LETTER DID NOT CRITICIZE COUP ITSELF OR GOC OTHER THAN IN HUMAN RIGHTS AREA. IT WAS PRIVATE BUT RECEIVED WIDE DISTRIBUTION AND HAS BEEN EXPLOITED BY RADIO MOSCOW. ASSOCIATION COUNCIL TOOK NO ACTION.

4. ACCORDING TO SOURCE, MILITARY PROSECUTORIIS INVESTIGATING VELASCO'S ACTIONS IN PRE-TRIAL PHASE; CHARGE WOULD PRESUMABLY BE SOMETHING LIKE CONTEMPT FOR AUTHORITY. PROSECUTOR ASKED SILVA FOR ORIGINAL OF LETTER AND FOR TAPES OF DEBATE IN MAY CONVENTION. NSILVA REFUSED, BUT MORE CONSERVATIVE COUNCILLORS FORCED MEETING, WHICH WAS VERY HEATED AND RESULTED IN VOTE AGAINST SILVA. ASSOCIATION VICE PRESIDENT AND SECRETARY IN MEANTIME SENT EVIDENCE TO PROSECUTOR. SOURCE SPECULATED THAT SIX MINORITY COUNCILLORS AND SILVA MIGHT RESIGN FROM COUNCIL. ADDED THAT FEELING RUNS HIGH AMONG BAR MEMBERS. VELASCO IN MEANTIME IS FREE AND PRACTICING HIS PROFESSION.

5. COMMENT. INCIDENT MAY CONCLUDE UNEVENTFULLY BUT COULD CAUSE GOVT SERIOUS TROUBLE. BAR ASSOCIATION IS POWERFUL, ARTICULATE, AND STRONGLY ESTABLISHMENT, AND HAS EXCELLENT INTERNATIONAL CONTACTS. GOC MAY LOSE NO MATTER WHAT HAPPENS. (1) LAWYER SOURCE SPECULATED THAT DECISION TO BEGIN PRE-TRIAL PROCESS WAS MADE WITHOUT REALIZATION WHERE THIS MIGHT LEAD. ENDING PROCESS NOW, HOWEVER, WOULD MERELY VINDICATE VELASCO, WHO DOES NOT SEEM TYPE TO DROP THE ISSUE. (2) VELASCO'S INVESTIGATION AND PROSECTOR'S REQUEST FOR EVIDENCE HAVE ALREADY AROUSED FEELINGS. IF GOVT PROCEEDS, HE MIGHT BE EXPELLED FROM COUNTRY WITH OR WITHOUT TRIAL, OR CONVICTED
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AND IMPRISONED. SUCH ACTION AGAINST A COLLEAGUE ON BASIS OF ACTS THAT TOOK PLACE WITHIN ASSOCIATION WOULD SOLIDIFY AND EXTEND FEELING AMONG LAWYERS THAT GOVT IS UNNECESSARILY IMPINGING ON HUMAN RIGHTS AND WOULD BE WIDELY PUBLICIZED ABROAD.
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